

BILL NO. R-96-02- 12

RESOLUTION NO. R- 13-96

**RESOLUTION APPROVING THE EXECUTION
OF AN EXTENSION TO LEASE AGREEMENT
BETWEEN THE CITY OF FORT WAYNE AND
TK ENTERPRISES FOR THE OPERATION OF
THE DEPARTMENT OF NEIGHBORHOOD
CODE ENFORCEMENT.**

WHEREAS, the City of Fort Wayne, Department of
Neighborhood Code Enforcement has been a tenant in a building owned
by Thomas E. Kleber, Sr. and Thomas E. Kleber, Jr. d/b/a TK Enterprises,
in a structure located at 321 E. Washington Boulevard, in the City of Fort
Wayne; and

WHEREAS, the original Lease Agreement between the
parties was previously approved and ratified by S-198-89; and

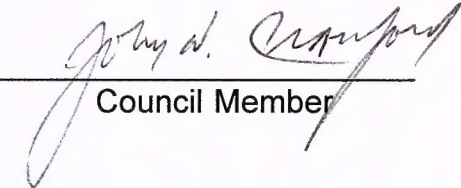
WHEREAS, the parties hereby desire to enter into an
Extension of Lease Agreement for a period of three (3) years with a right
to cancel anytime after the 12th month.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

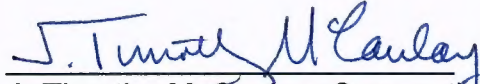
SECTION 1. The Common Council finds, determines, ratifies
and confirms that the Extension to Lease Agreement, attached hereto and
made a part hereof, between the City of Fort Wayne and TK Enterprises

1 for continued occupancy at 321 E. Washington Boulevard for the operation
2 of the Department of Neighborhood Code Enforcement is in the best
3 interest of the City of Fort Wayne and its taxpayers.

4 **SECTION 2.** That this Resolution shall remain in full force
5 and effect from and after its passage and any and all necessary approval
6 by the Mayor.
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8 
9 _____
10 Council Member

11 APPROVED AS TO FORM
12 AND LEGALITY

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14 J. Timothy McCaulay, Corporation Counsel
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EXTENSION TO LEASE AGREEMENT

THIS AGREEMENT, dated this 31 day of JANUARY 1996, to that certain Lease entered into on the 20th day of December, 1989, Amended on the 22nd day of February, 1995, and Expanded on the 12th day of April, 1995, by and between THOMAS E. KLEBER, SR. AND THOMAS E. KLEBER, JR. an Indiana General Partnership d/b/a TK ENTERPRISES (hereinafter referred to as "Landlord"), and CITY OF FORT WAYNE, DEPARTMENT OF NEIGHBORHOOD CODE ENFORCEMENT (hereinafter referred to as "Tenant") for office space located at 315 East Washington Boulevard, Fort Wayne, Indiana.

WITNESSETH:

WHEREAS, Landlord and Tenant desire to extend and modify said Lease as herein provided.

NOW THEREFORE, in consideration of the premises, and expanded premises, and mutual covenants contained herein and in said Lease and expansion to said Lease, Landlord and Tenant agree as follows:

1. The leased premises shall contain approximately 3,630 square feet.
2. Said lease will be extended for a term of three years, commencing March 1, 1996 and terminating on February 28, 1999.
3. Rent for the extension will be TWO THOUSAND, NINE HUNDRED SEVEN and 50/100s DOLLARS (\$2,907.50) per month payable in advance on the first day of each calendar month of the term.
4. Tenant improvements will consist of the replacement of the front lobby carpeting and the creation of an opening between the Weed Control Department and the Department of Neighborhood Code Enforcement.
5. Tenant will have the right to cancel this lease agreement with NINETY (90) days written notice anytime after the 12th month of this extension (February 28, 1997). A cancellation fee equal to TWO HUNDRED TEN DOLLARS (\$210.00) times the number of months the tenant occupied the space during this extension will be due at the time notice is given.
6. On the extension to lease agreement dated February 22, 1995 referring to the owner's rights to cancel this lease agreement is now null and void and will no longer be in effect.
7. Notwithstanding any other provision of this agreement, if funds for continued fulfillment of this agreement by the City are at any time not forthcoming or insufficient, through failure of any entity to appropriate funds or otherwise, this agreement shall terminate without penalty on the last day of the fiscal period for which funds are appropriated.
8. City agrees that it will make its best effort to obtain sufficient funds, including but not limited to, including in its budget for each fiscal period during the term hereof a request for sufficient funds to meet its obligations hereunder in full.
9. All other terms and conditions in said Lease agreement, extension and expansion are hereby confirmed and ratified and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

KLEBER & KLEBER, an Indiana
General Partnership, d/b/a
TK ENTERPRISES

By: [Signature]

LANDLORD

CITY OF FORT WAYNE
NEIGHBORHOOD CODE ENFORCEMENT

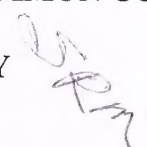
By: [Signature]

By: Board of Public Works
City of Fort Wayne, Indiana

[Signature]
[Signature]
[Signature]

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL

FROM: SANDRA R. MALDENEY 
PROPERTY MANAGER

RE: NEIGHBORHOOD CODE LEASE

DATE: FEBRUARY 22, 1996

The City of Fort Wayne/Neighborhood Code Enforcement has negotiated an Extension to Lease Agreement with Thomas E. Kleber, Sr. and Thomas E Kleber, Jr., dated January 31, 1996, a copy of which is attached.

This lease was extended in order that some tenant improvements could be completed before Neighborhood Code's busiest season (Spring and Summer) begins. Tenant improvements will consist of the replacement of the front lobby carpeting and the creation of an opening between the Weed Control Department and the Department of Neighborhood Code Enforcement. It has been extended for a period of three (3) years with a right to cancel anytime after the 12th month. The lease cost per square foot was \$11.00 under the old lease and will be \$9.61 under the new lease.

It is our intent to move the Neighborhood Code Enforcement Department to 1903 St. Mary's Avenue (the former Franklin School) when transfer of title takes place from the Department of Navy. Written correspondence with the Navy continues and the City of Fort Wayne expects the title transfer in the near future.

The lease has been approved and signed by the Members of the Board of Works. With your approval, space improvements can begin and could be completed by the end of April.

If you have any questions pertaining to this memorandum or the attached extension, please feel free to contact me at your convenience at 427-1402.

Read the first time in full and on motion by Henry
and duly adopted, read the second time by title and referred to the
committee on Finance (and the City Plan Commission
or recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of _____
_____ M., E.S.T. _____, 19____, at _____ o'clock

DATED: 2-27-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry
and duly adopted, placed on its passage. PASSED lost
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE				<u>✓</u>
SCHMIDT	<u>✓</u>			

DATED: 3-12-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. R-13-96
on the 12th day of March, 1996

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

DD Schuman
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 13th day of March, 1996,
at the hour of 11:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of March,
1996, at the hour of 3:00 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE PROPERTY MANAGER/NEIGHBORHOOD CODE
ENFORCEMENT

SYNOPSIS OF ORDINANCE APPROVES EXTENSION OF LEASE AGREEMENT FOR
CONTINUED OPERATION OF THE DEPARTMENT OF NEIGHBORHOOD CODE
ENFORCEMENT AT 321 E. WASHINGTON BOULEVARD.

EFFECT OF PASSAGE EXTENSION OF LEASE IS APPROVED.

EFFECT OF NON-PASSAGE LEASE IS NOT APPROVED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-96-02-12

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) APPROVING THE EXECUTION
OF AN EXTENSION TO LEASE AGREEMENT BETWEEN THE CITY OF FORT WAYNE
AND TK ENTERPRISES FOR THE OPERATION OF THE DEPARTMENT OF
NEIGHBORHOOD CODE ENFORCEMENT

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>John Crawford</i>			
<i>Thomas C. Henry</i>			
<i>Robert J. Hall</i>			
<i>William A. Bond</i>			
<i>Thomas Hayward</i>			

DATED: 3-12-96.

Sandra E. Kennedy
City Clerk